

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

UNITED STATES OF AMERICA

v.

Carl Shane Foster

ELECTRONIC CRIMINAL COMPLAINT

CASE NUMBER: MJ-22-04080-001-PCT-CDB

I, the undersigned complainant, being duly sworn, state that the following is true and correct to the best of my knowledge and belief:

Count 1

On or about December 13, 2019, in the District of Arizona, within the confines of the Fort Apache Indian Reservation, Indian Country, the defendant, CARL SHANE FOSTER, an Indian, did intentionally, knowingly, and recklessly assault A.B., who is a spouse, an intimate partner, or a dating partner, by strangling her, or attempting to strangle her.

In violation of Title 18, United States Code, Sections 1153, 113(a)(8), (b)(4), and 2266.

See Attached Statement of Probable Cause Incorporated By Reference Herein.

Continued on the attached sheet and made a part hereof:

☒ Yes

☐ No

AUTHORIZED BY: Anthony Church, AUSA ANTHONY CHURCH

Digitally signed by
ANTHONY CHURCH
Date: 2022.03.07 17:19:38
-07'00'

Scott E. Flake, Special Agent, FBI
Name of Complainant



Signature of Complainant

Telephonically sworn to before me,

03/08/2022
Date

At Flagstaff, Arizona
City and State

HONORABLE CAMILLE D. BIBLES
United States Magistrate Judge
Name & Title of Judicial Officer

Camille D. Bibles
Digitally signed by Camille D. Bibles
Date: 2022.03.08 13:19:13 -07'00'
Signature of Judicial Officer

Your Affiant, Scott E. Flake, being duly sworn, states as follows:

1. Affiant is a Special Agent with the Federal Bureau of Investigation (FBI) and has been employed as such for more than eighteen (18) years. As a Special Agent of the FBI, Affiant is an investigative or law enforcement officer within the meaning of Section 2510(7) of Title 18 United States Code, that is, Affiant is an officer of the United States, who is authorized by law to conduct investigations of and make arrests for offenses enumerated in Title 18.

2. Affiant is currently assigned to the FBI Phoenix Division, Pinetop-Lakeside Resident Agency, where he has been assigned for more than six (6) years. Affiant's duties include the investigation of violent crimes occurring on the Fort Apache Indian Reservation (FAIR), within the District of Arizona. The locations and events described below are located on or took place within the boundaries of the FAIR and within the District of Arizona. The following information regarding the assault of A.B. by her boyfriend Carl Shane Foster (Foster) in December 2019 was learned by your affiant either through personal investigation and/or observation, review of reports, and/or through discussions with other law enforcement agents and/or persons.

3. The facts and circumstances of this investigation, as set forth below, establish probable cause to support a complaint against Foster. The criminal offense involved in this investigation is Assault by Strangling, in violation of 18 U.S.C. §§ 1153 and 113(a)(8), which crime occurred within the territorial boundaries of the FAIR. In describing events below, Affiant does not include all facts known to him, but provides facts sufficient to establish probable cause that a federal crime occurred.

4. According to White Mountain Apache Tribal police department (WMAT PD) report 2019-0008852, on December 13, 2019, an officer of the WMAT PD was dispatched to an address in Whiteriver, Arizona, within the exterior boundaries of the FAIR, on an assault call. The officer noted that upon arrival at the scene, A.B. and a person later identified as her uncle were present, with A.B. being treated by emergency medical personnel. The officer noted and photographed visible "red bruise marks" on A.B.'s neck and visible blood stains on A.B.'s uncle. A.B. told the officer she had been inside her house where Foster had been drinking intoxicating beverages that day. Foster started walking away from the house on a dirt trail before he turned around and came back, took her cell phone, and threw it onto the bed in the bedroom. A.B. picked up the phone and walked out of the bedroom back into the living room. Foster came back into the living room and grabbed her with both hands and began "choking" her to the point where she could not breath. A.B. used both hands and fingers to get one of

Foster's hands and fingers off her neck. A.B.'s uncle came into the house and Foster began assaulting the uncle while A.B. ran out of the house. A.B. tried to find someone to call the police but couldn't find anyone. A.B. went back into the house and offered assistance to her uncle, who was being assaulted by Foster, before Foster left the residence walking to the west.

5. An EMS (Emergency Medical Services) run sheet was obtained in October 2020. The sheet indicated that A.B. was treated but indicated she would go to the hospital when her mother returned home. Medical records received from Indian Health Services hospital in Whiteriver, Arizona in November 2021 revealed that the uncle was treated on December 13, 2019 for an assault resulting in notable facial trauma, but no acute fracture.

6. A.B. was interviewed by Affiant in November 2021 concerning the December 13, 2019, incident. A.B. was provided a copy of the police report noted above to read. After reading the report, A.B. confirmed it was an accurate summary of what happened. A.B. confirmed she did not end up being treated at the hospital. A.B. indicated she and Foster had been together since about August or September of 2015 and that they had two children together, ages four and two. A.B. indicated that their relationship basically ended after this incident. A.B. was shown picture from the police report showing redness on her neck. She confirmed that she had been strangled by Foster.

7. In January 2020, Certificates of Indian Blood received from the WMAT confirmed that both Foster and A.B. are enrolled members of the White Mountain Apache tribe.

8. In summary, given the facts described above, there is probable cause to believe that Carl Shane Foster committed a federal crime by strangling A.B. on the FAIR on December 13, 2019.

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9. Affiant has reviewed the entire contents of this affidavit consisting of two (2) pages and declares under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of his knowledge.



Scott E. Flake
Special Agent, FBI

Telephonically sworn to and subscribed before me

this 8 day of March 2022

Camille D. Bibles Digitally signed by Camille D. Bibles
Date: 2022.03.08 13:18:46 -07'00'

HONORABLE CAMILLE D. BIBLES
United States Magistrate Judge